



Entered on Docket  
November 01, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**  
Susan M. Freeman (AZ 4199)  
*pro hac vice*  
Rob Charles (NV 6593)  
Anne M. Loraditch (NV 8164)  
530 Las Vegas Boulevard South  
Las Vegas, Nevada 89101  
Telephone (702) 385-3373  
Facsimile (702) 385-9447  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
[rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[aloraditch@lrlaw.com](mailto:aloraditch@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**ORRICK, HERRINGTON &  
SUTCLIFFE LLP**  
Marc A. Levinson (CA 57613)  
*pro hac vice*  
Jeffery D. Hermann (CA 90445)  
*pro hac vice*  
400 Capitol Mall  
Sacramento, California 95814  
Telephone: (916) 447-9200  
Facsimile: (916) 329-4900  
Email: [malevinson@orrick.com](mailto:malevinson@orrick.com)  
[jhermann@orrick.com](mailto:jhermann@orrick.com)

*Attorneys for USA Capital Diversified Trust Deed Fund, LLC*

**SNELL & WILMER, LLP**  
Robert R. Kinas (NV 06019)  
Claire Dossier (NV 10030)  
3883 Howard Hughes Parkway  
Suite 1100  
Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: [rkinas@swlaw.com](mailto:rkinas@swlaw.com)  
[cdossier@swlaw.com](mailto:cdossier@swlaw.com)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,  
  
USA CAPITAL REALTY ADVISORS, LLC,  
  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
  
USA SECURITIES, LLC,  
  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☒ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM TRUST TO COURTNEY  
FUHRMAN'S CLAIM FILED IN  
WRONG DEBTOR'S CASE; AND  
SUSTAINING OBJECTION OF DTDF TO  
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.

1 The Court having considered the “Objection of USACM Trust to Courtney  
2 Fuhriman’s Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed  
3 Allowance of Claim” [Docket No. 4695] (the “Objection”); with appearances as set forth  
4 in the record at the hearing noted above; appropriate notice of the Objection having been  
5 given; no response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. Proof of Claim No. 10725-00758 is disallowed in its entirety as against USA  
9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”);  
10 and
- 11 3. Courtney Fuhriman’s equity interest in DTDF is allowed in the amount of  
12 \$48,047.32, as reflected in DTDF’s books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ Anne M. Loraditch (008164)

16 Susan M. Freeman  
17 Rob Charles  
18 Anne M. Loraditch  
19 530 Las Vegas Boulevard South  
20 Las Vegas, Nevada 89101  
21 Telephone: (702) 385-3373  
22 Facsimile: (702) 385-5024

23 *Attorneys for USACM Liquidating Trust*

14 **SNELL & WILMER, LLP**

15 By /s/ Claire Dossier (010030)

16 Robert R. Kinas  
17 Claire Dossier  
18 3883 Howard Hughes Parkway, Suite 1100  
19 Las Vegas, Nevada 89169  
20 Telephone (702) 784-5200  
21 Facsimile (702) 784-5252

22 and

23 **ORRICK, HERRINGTON &  
24 SUTCLIFFE LLP**

25 Marc A. Levinson  
26 Jeffery D. Hermann  
400 Capitol Mall, Suite 3000  
Sacramento, California 95814-4497  
Telephone: (916) 447-9200  
Facsimile: (916) 329-4900

*Attorneys for USA Capital Diversified  
Trust Deed Fund, LLC*

**RULE 9021 DECLARATION**

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
  - ☐ waived the right to review the order; and/or
  - ☐ failed to file and serve papers in accordance with LR 9021(c); and
- the following have disapproved the form of the order:
- n/a
- ☒ No opposition was filed to the objection and no other party or counsel appeared at the hearing.

**LEWIS AND ROCA, LLP**

By: s/ Anne M. Loraditch

Anne M. Loraditch (Nevada Bar No. 8164)  
530 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

###